

REMARKS/ARGUMENTS

This amendment is responsive to the Office Action mailed April 19, 2006 wherein claims 1-32 were rejected. Claims 26-29 have been canceled without prejudice and claims 33-34 have been withdrawn. Claims 1-25 and 30-32 are currently pending.

Election/Restrictions

This is to affirm the provisional election made on April 13, 2006 in a telephone conversation with the Examiner, electing group I (claims 1-31) without traverse. Claims 33 and 34 are withdrawn from consideration.

Claim rejections under 35 USC §112

Claim 2 was rejected under 35 USC §112, second paragraph, as being indefinite. Applicants have deleted "4" from "processing mechanism 4", as the drawing element number was inadvertently included in the claim.

Claim 23 was rejected under 35 USC 112, second paragraph, as being indefinite. Applicants have amended claim 23 to recite that the mechanical filter has a mesh size in a range from about 50 microns to about 1000 microns as described in at least paragraph [0023] of Applicants' specification.

Claim rejections under 35 USC §103(a)

Claims 1, 3-4 and 6-12 were rejected under 35 USC 103(a) as being unpatentable over Berndt et al. (US 6,063,135). Applicants respectfully traverse the rejection to claims 1, 3-4 and 6-12 as being unpatentable over Berndt.

When viewed as a whole, Applicants' invention is directed towards an apparatus and method for removing contaminants from a dry cleaning solvent, where the apparatus is designed for home or coin-op use. In order to meet the space and energy consumption requirements of an appliance designed for such

end uses, Applicants' apparatus and method do not use a distillation process for purification and reclamation of solvent (see e.g., paragraph 04). However, prior art dry cleaning systems (as e.g., disclosed in Berndt) utilize distillation processes to purify dry cleaning solvents and separate water from the solvent. Prior to Applicants' invention, such distillation processes were required in order to prevent biofouling of the cleaning apparatus. In contrast, by using an ultrafiltration filter having a sub-micron pore size, Applicants' cleaning apparatus and method is capable of removing bacteria and viruses through filtration without the use of a distillation process. Furthermore, by using a mechanical filter and/or a particulate filter having a relatively larger pore size in combination with the ultrafiltration filter, larger contaminants can be prevented from clogging the ultrafiltration filter.

Applicants' claim 1 is directed to an article cleaning apparatus and for illustrative purposes is reproduced in part below:

an air management mechanism;
a cleaning basket assembly;
a fluid processing mechanism
comprising an ultrafiltration filter having
a pore size of about 0.01 microns to about
0.2 microns; and
a controller configured to control a
cleaning process using a solvent based
cleaning fluid..

Additionally, Applicants' claim 3 recites that the "ultrafiltration filter is operable to only allow materials having a molecular weight of less than about 100,000 daltons to pass through", while claim 7 recites that the "fluid processing mechanism further comprises a particulate filter in communication with said cleaning basket assembly and said ultrafiltration filter."

The Office Action states that Berndt discloses, "that any type of cartridge, discs, flex-tubular or rigid-tubular filtration system may be used either individually or in combination (col. 8, lines 36-38)" and that "this reads on applicants' claims for ultrafiltration filters, singular cartridge filters and combinational cartridge

filters.” Applicants respectfully disagree with the position that Berndt’s mere statement that “any type of cartridge, discs, flex-tubular or rigid-tubular filtration system may be used either individually or in combination” would read on Applicants’ ultrafiltration filter as claimed. Applicants’ claim 1 clearly recites an ultrafiltration filter having a pore size of about 0.01 microns to about 0.2 microns.

Although the Office Action concedes that the specific mesh size, pore size or operability relative to molecular weight for the ultrafiltration, particulate or mechanical filters is not taught by Berndt, the Action further states that it would have been obvious “to optimize the mesh size, pore size and/or passable molecular weight for said filter, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. (*citing In re Boesch*).”

Applicants submit that it would not have been obvious to optimize the mesh size, pore size and/or passable molecular weight for the filter(s) disclosed in Berndt. In contrast to Applicants’ claimed invention, Berndt teaches a dry cleaning method and apparatus that utilizes a distillation process. For example (beginning at column 9, line 21), Berndt states that at “*Step 7 the contaminated siloxane solvent is reprocessed and purified through vacuum distillation...Heat is generated through steam energized coils in contact with the chamber in the range of 230 to 300 degrees Fahrenheit.*” Further, Berndt states “*Vacuum distilling the contaminated cyclic siloxane solvent(s) eliminates the low boiling point contaminants, including residual water, as well as the high boiling point contaminants.*” Thus, since Berndt utilizes a distillation process that already removes contaminants, there would be no motivation or suggestion to modify Berndt’s existing particulate filter(s) by decreasing pore sizes, especially since decreased pore sizes typically result in decreased flow rate.

Accordingly, for at least the reasons set forth above, Applicants submit that claim 1 is allowable over Berndt. Furthermore, due at least to their dependency on claim 1, Applicants submit that claims 3-4 and 6-12 are similarly

allowable. As such, Applicants respectfully request that the rejections to claims 1, 3-4 and 6-12 be removed and the claims be allowed.

Claim 2 is rejected under 35 USC 103(a) as being unpatentable over Berndt and further in view of Dayton (US 4,793,938). Dayton is cited for teaching a flushing device. Although Dayton may teach a flushing device, Dayton nonetheless does not cure the deficiencies of Berndt as applied to claim 1. More specifically, Berndt does not teach or fairly suggest the use of an ultrafiltration filter having a pore size of about 0.01 microns to about 0.2 microns, nor the use of a flushing device to flush such an ultrafiltration filter. Accordingly, Applicants request that the rejection to claim 2 be removed and the claim be allowed.

Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Berndt as applied to claim 4 and further in view of Rasmussen (US 6,857,162). Rasmussen is cited for teaching a membrane filter as recited in claim 5. Although Rasmussen may teach a membrane filter, Rasmussen nonetheless does not cure the deficiencies of Berndt as applied to claims 4 and 1. That is, Rasmussen does not teach or fairly suggest the use of an ultrafiltration membrane filter having a pore size of about 0.01 microns to about 0.2 microns. Accordingly, Applicants request that the rejection to claim 5 be removed and the claim be allowed.

Claim 13-16, 18-25 and 30-32 were rejected under 35 USC 103(a) as being unpatentable over Berndt in view of Dayton. Applicants' independent claim 13 is similar in form to Applicants' independent claim 1. Thus for at least the reasons set forth above with respect to claims 1-12, Applicants further submit that claims 13-16, 18-25 and 30-32 are allowable and request that the rejections to these claims be removed.

Claim 17 was rejected under 35 USC 103(a) as being unpatentable over Berndt and Dayton as in claim 16, and further in view of Rasmussen applied for

the same reasons as given for claim 5. Applicants submit that due at least in part to its dependency on claims 16 and 13, claim 17 is likewise allowable for at least the reasons set forth above. As such, Applicants request that the rejection to claim 17 be removed and the claim be allowed.

Claims 26-29 were rejected under 35 USC 103(a) as being unpatentable over Berndt and Dayton as in claim 25 and further in view of Arbizzani (EP0620309). Applicants' have canceled claims 26-29 without prejudice. Accordingly, the rejection to claims 26-29 are deemed moot.

In view of the foregoing amendment and for the reasons set out above, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

Should the Examiner believe that anything further is needed to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,


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